

Court of Appeals, State of Michigan

ORDER

People of MI v Robert Allen Williams

Docket No. 303181

LC No. 11-001183-FC

Karen M. Fort Hood
Presiding Judge

Kirsten Frank Kelly

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive the stay requirements of MCR 7.209 is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the March 18, 2011, order of the Wayne Circuit Court directing the prosecution to retrieve criminal histories for the complaining witness and civilian witnesses and provide a copy to defense counsel hereby is REVERSED. A prosecutor's office is not obligated to commence discovery on a defendant's behalf. *People v Leo*, 188 Mich App 417, 427; 470 NW2d 423 (1991). Further, a trial court may not order a prosecutor to disclose the Law Enforcement Information Network records of lay witnesses that are not in the prosecutor's possession. See generally *People v Elkhaja*, 467 Mich 916; 658 NW2d 153 (2003). Nothing in the plain language of MCL 218.214 or MCR 6.201 imposes such an obligation. The case is REMANDED to the circuit court for further proceedings consistent with this order.

The motion for stay is DENIED.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 08 2011

Date

Chief Clerk